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Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, the Arab Organization for Human Rights and the Union of Arab Jurists, non-governmental organizations in special consultative status, and International Educational Development, Inc. and the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[6 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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United Nations Response to Iraq's Humanitarian Crisis*

Iraq is being swept off the Earth by the hurricane of wars. The past decade is not an exception. The United States of America-led invasion in 2003 led to increased armed violence and deterioration of the situation in Iraq. Since then, the security environment in the country is deteriorating day by day. Serious widespread and systematic human rights violations are reported in the conduct of armed groups, the U.S.-led coalition forces and the Iraqi government. Sectarianism and the danger of disintegration remain. Terrorism and criminal violence have become part of daily life in many parts of the country. Furthermore, the collateral damage of the fight against the Islamic State of Iraq and the Levant (ISIL, also known as ISIS) is simply ignored. Continuous armed conflict had a negative impact on every person and every aspect of life within the Iraqi society. This statement aims to demonstrate the response of the international community to the crisis in Iraq through the United Nations and assess the impact on the ground. Hereby, we advocate for more effective UN actions to alleviate the suffering and to protect civilians.

The humanitarian crisis in Iraq remains one of the largest and most volatile in the world.1 In addition to constant airstrikes, the combat against terrorists in indiscriminate and disproportionate manner results in high death toll of civilians. Several Iraqi NGOs estimate the death of more than 2 million due to violence since the US invasion. For example, the first survey of the Lancet published in 2004, estimated 98,000 Iraqi deaths from the 2003 invasion and subsequent occupation of Iraq. The second survey of 2006 estimated 654,965 deaths related to the war, or 2.5% of the population, through the end of June 2006. The surge in violence between armed groups and government forces has resulted in over 3 million of internally displaced persons across Iraq and more than 11 million in need of humanitarian assistance.2

GRAVE BREACHES OF INTERNATIONAL LAW

Widespread and systematic crimes committed in Iraq could be qualified as international crimes by the Rome Statute of the International Criminal Court. Some of the violations of international humanitarian and human rights law in Iraq would qualify as war crimes, crimes against humanity, genocide and crimes of aggression. These horrendous violations have been committed by all parties including security and military forces, government-allied militias, coalition forces, ISIS and other non-state armed groups in Iraq. Moreover, the Iraqi government is either unwilling or unable to ensure prompt and independent investigations. The crimes committed are not adequately investigated, perpetrators enjoy impunity and victims are denied their right to remedy and reparation.

UNITED NATIONS RESPONSE

The measures undertaken by the international community through the United Nations to address the widespread and massive violations in Iraq during the past decade are widely selective and insufficient. The recent UN actions focus only on ISIS and Al-Qaida. As a result, other human rights issues of importance are neglected and overshadowed by the fight against terrorism. UN Security Council (UNSC) has issued limitless press releases and presidential statements either condemning or calling for action, reviewed situation reports, and held regular briefings on Iraq. In addition, UNSC has established the United Nations Assistance Mission for Iraq (UNAMI) and authorised the presence of the Multinational Force (MNF-I) in 2013. The Council called on member states to take all necessary measures concerning the territory under the control of ISIS to prevent terrorist acts committed by ISIS and other Al-Qaida affiliates, as well as, to address the ISIS' and Al-Nusra's illicit funding via oil exports, traffic of cultural heritage, ransom payments and external donations.

During the period of 2007-2017, UN General Assembly (GA) approved three resolutions concerning the human rights situation in Iraq with particular emphasis on violations committed by ISIL. Similarly, UN Human Rights Council (HRC) reviewed the human rights situation in Iraq once in a special session of 2014 and later in 2015 requested an urgent dispatch of a fact-finding mission, yet again to investigate ISIS violations. The High Commissioner on Human

1 2017 Humanitarian Needs Overview: Iraq, Humanitarian Response Team.
2 UN OCHA, Iraq profile at http://www.unocha.org/iraq

Rights presented several reports on Iraq to the HRC in light of abuses committed by ISIS and associated terrorist groups and violations against Yazidis. In addition, the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on minority issues presented their reports on missions to Iraq in 2016 and 2017 respectively.

Political solution

The efforts of the United Nations and some of the member states to find a political solution in Iraq continue without success. In 2004, UNSC authorised the mandate of UNAMI to assist and advise the Iraqi government and institutions. However, the mandate of the UN office in Iraq does not extend to closely monitoring and reporting the human rights situation on the ground. The attempts to decentralise governance and elections further deepened the sectarian divide, thus failing to lead to inter-community coherence and reconciliation. Unresolved issues contributed to the political collapse despite the withdrawal of U.S. troops. The large picture remains the same – weak and corrupt government that systematically violates human rights, full-fledged sectarian war, societal fragmentation and the ongoing potentially nonviable political resolution of the crisis.

Protection of civilians

The Iraq Humanitarian Response Team identified the protection of civilians as number one of the key humanitarian needs along with return of displaced Iraqis, health and livelihood. In 2017, the number of people in need of protection was estimated at 8.7 million out of 36 million total population of Iraq which includes: 4.2 million internally displaced persons; 1.7 million returnees; 1.4 million highly vulnerable people in conflict-affected areas; 0.3 million of residents not under government control; 0.9 million affected residents in host communities and 0.2 million of refugees.3 Given the complexity of the crisis in Iraq, 6.2 million people are left unprotected. In addition, these numbers are estimates, the reality on the ground is worse and more threatening for many.

Humanitarian access

Humanitarian pause allows civilians trapped in zones of conflict either to flee or access humanitarian aid for basics as food, water and medicine. Under international humanitarian law, all parties have the responsibility to ensure humanitarian access and safety of humanitarian workers. However, warfare rules are violated by all parties to the conflict. For example, it is reported that access is extremely limited for humanitarian workers in the Western Ninewa, predominantly under the control of the Shia Popular Mobilisation Forces (PMF).4

International contributions to the humanitarian response

Humanitarian agencies regularly report on significant shortfalls in international funding in Iraq. UNSC regularly encourages member states to provide contributions to the humanitarian response. However, the situation in reality speaks loud and clear. Corruption in the country is blooming as well as in respect to humanitarian funds. In some areas less than 10% of people in need are reached. The overall picture becomes even darker in comparison with the military expenses of the UN member states involved in the armed conflict in Iraq. As of August 2017, only 18% of the appeal for humanitarian response to the roughest conditions in the severe crisis of Iraq is covered.

RECCOMENDATIONS

- All parties to the conflict should ensure compliance with international humanitarian law, particularly on protection of civilians and civilian objects;
- UN should establish an independent investigation of the widespread and massive violations of international humanitarian and human rights law in Iraq to hold perpetrators accountable;
- UN member states should increase contributions to the humanitarian response and ensure transparent procedures;
- HRC should urgently endorse an international independent investigation into allegations that the United States committed aggression against Iraq when it invaded in March 2003;

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3 2017 Humanitarian Needs Overview: Iraq, UN OCHA, January 2017.

4 Iraq – Conflict, Forced Displacement, Humanitarian Access (DG ECHO, UN, NGOs), ECHO Daily Flash of 18 January 2017 at https://reliefweb.int/report/iraq/iraq-conflict-forced-displacement-humanitarian-access-dg-echo-un-ngos-echo-daily-flash

- UN should condemn illegal acts of aggression by member states, including the 2003 invasion and subsequent occupation of Iraq by the United States and its allies;
- UNAMI should be authorised with a broader human rights monitoring mandate and its cooperation with UN human rights bodies should be enhanced;
- The situation in Iraq should be referred to the International Criminal Court.

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*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussells Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, International Anti-Occupation Network (IAON), NGOs without consultative status, also share the views expressed in this statement.